

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICKEY DOSSIE,)	
)	Civil Action
Petitioner)	No. 14-cv-00052
)	
v.)	
)	
BRIAN V. COLEMAN, Superintendent,)	
THE DISTRICT ATTORNEY OF THE)	
COUNTY OF PHILADELPHIA, and)	
THE ATTORNEY GENERAL OF THE STATE)	
OF PENNSYLVANIA,)	
)	
Respondents)	

O R D E R

NOW, this 23rd day of September, 2015, upon
consideration of the following documents:

Petition Under 28 U.S.C. § 2254 for Writ of
Habeas Corpus by a Person in State Custody, filed
by petitioner pro se on January 6, 2014, together
with

Memorandum of Laws in Support of
Petitioner's Claims in His Habeas Corpus
[Petition] Under 28 U.S.C. Sec. 2254, filed
by petitioner pro se on January 6, 2014;

Response to Petition for Writ of Habeas Corpus,
which response was filed by respondents on
August 15, 2014, together with

Exhibit A, Memorandum Opinion, Superior
Court of Pennsylvania No. 1199 EDA 2004
filed May 23, 2005;

Exhibit B, Per Curiam Order, Supreme Court
of Pennsylvania Eastern District
No. 358 EAL 2005, dated September 21, 2005;

Petition in Objecting [to] the Respondent[']s
Response to Petition for Writ of Habeas Corpus,
filed by petitioner pro se on August 27, 2014;

Report and Recommendation of United States
Magistrate Judge Timothy R. Rice dated October 9,
2014 and filed October 10, 2014;

Motion for Appointment of Counsel, filed by
petitioner pro se on November 10, 2014; and

Petition for Immediate Release, or Exstroadinary
[sic] Writ, filed by petitioner pro se on
December 4, 2014.

it appearing that no objections have been filed to the Report
and Recommendation of Magistrate Judge Rice;¹ it further
appearing after review of this matter that Magistrate
Judge Rice's Report and Recommendation correctly determined the
legal and factual issues presented in the petition for habeas
corpus relief,

¹ Petitioner received a Notice accompanying the Report and
Recommendation stating that petitioner was required to file any objections to
the Report and Recommendation within fourteen days of service of the Notice
and filing of the Report and Recommendation pursuant to Rule 72.1(IV)(b) of
the Local Rules of Civil Procedure for the United States District Court for
the Eastern District of Pennsylvania. The Report and Recommendation and the
Notice were filed on October 10, 2014 and were served by mail and email on
October 14, 2014. Thus, any objections were required to be filed on or
before October 28, 2014.

As of the date of this order, petitioner has not filed any
objections to the Report and Recommendation.

IT IS ORDERED that Magistrate Judge Rice's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody is denied without an evidentiary hearing.

IT IS FURTHER ORDERED that because petitioner has not met statutory requirements to have his case heard, and no reasonable jurist could find this procedural ruling debatable, a certificate of appealability is denied.

IT IS FURTHER ORDERED that Petitioner's Motion for Appointment of Counsel is dismissed.²

IT IS FURTHER ORDERED that Petitioner's Petition for Immediate Release, or Exstroadinary [sic] Writ is dismissed without prejudice to petition the United States Court of Appeals for the Third Circuit to authorize the undersigned to consider it.³

² Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts requires this Court to appoint an attorney if an evidentiary hearing is warranted. No evidentiary hearing has been scheduled or is warranted.

Title 18 United States Code, section 3006A(a)(2)(B) further provides that this Court may appoint counsel for a petitioner seeking relief under 28 U.S.C. § 2254 if "the interests of justice so require". In this case, petitioner does not oppose Magistrate Judge Rice's Report and Recommendation, so there is no reason for appointment of counsel.

³ Rule 9 of the Rules Governing Section 2254 Cases in the United States District Courts states that "[b]efore presenting a second or successive petition, the petitioner must obtain an order from the appropriate court of appeals authorizing the district court to consider the petition as required by 28 U.S.C. § 2244(b)(3) and (4)." Petitioner has not done so in this case. Consequently, I dismiss petitioner's second or successive

IT IS FURTHER ORDERED that the Clerk of Court shall
mark this matter closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge

petition without prejudice to petition the Third Circuit for an order
authorizing me to consider it.